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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/626,786	07/23/2003	Eric Miller	2330(16353)	1186

33272 7590 09/07/2005

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EXAMINER

GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/626,786

**Applicant(s)**

MILLER, ERIC

**Examiner**

Gerald Gauthier

**Art Unit**

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**– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 7/23/03.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on July 23, 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claim(s) 1-27** are rejected under 35 U.S.C. 102(b) as being anticipated by Stork et al. (US 5,710,816).

Regarding **claim(s) 1**, Stork discloses a network apparatus for communicating a recorded message from a calling party to a called party (FIG. 3 and column 1, lines 5-8), comprising:

a messaging controller for accepting commands from said calling party and for playing and recording digital media including said recorded message (FIG. 1 and column 2, lines 22-34);

an encryption encoder/packager coupled to said message controller for encrypting said recorded message in response to an encryption key and packaging said

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encrypted recorded message with an identifier to produce a protected message file (FIG. 1 and column 2, lines 35-43 and lines 60-65);

a notification system for sending a notification message for said called party to announce said protected message file (FIG. 1 and column 2, lines 44-59);

a message distributor for delivering said protected message file to said called party when requested by said called party (FIG. 1 and column 3, lines 11-17); and

a license server for maintaining a decryption key corresponding to said encryption key and said identifier and for responding to a validated request for a license from said called party, wherein said validated request includes said identifier, and wherein said license includes said decryption key for accessing said protected message file (FIG. 2 and column 3, lines 38-46).

Regarding **claim(s) 2 and 16**, Stork discloses an apparatus wherein said messaging controller identifies license parameters for providing selected limitations for accessing said protected message file (FIG. 1 and column 2, lines 35-43).

Regarding **claim(s) 3 and 17**, Stork discloses an apparatus wherein said license parameters are maintained by said license server for inclusion in said license (FIG. 1 and column 3, lines 11-17).

Regarding **claim(s) 4 and 18**, Stork discloses an apparatus wherein said license parameters are incorporated into said protected message file (FIG. 1 and column 3, lines 11-17).

Regarding **claim(s) 5 and 19**, Stork discloses an apparatus wherein said messaging controller is responsive to respective commands from said calling party for specifying said selected limitations (FIG. 1 and column 2, lines 44-59).

Regarding **claim(s) 6 and 20**, Stork discloses an apparatus wherein said selected limitations include default limitations associated with at least one of said called party and said calling party (FIG. 1 and column 2, lines 44-59).

Regarding **claim(s) 7 and 21**, Stork discloses an apparatus wherein said identifier comprises a key identifier for uniquely identifying said decryption key (FIG. 2 and column 3, lines 51-60).

Regarding **claim(s) 8 and 22**, Stork discloses an apparatus further comprising: a user agent for establishing a communication session between said calling party and said messaging controller (FIG. 1 and column 2, lines 16-21); and

a transfer client for exchanging communication signals to and from said calling party (FIG. 1 and column 2, lines 35-43).

Regarding **claim(s) 9 and 23**, Stork discloses an apparatus wherein said notification message is sent to an instant message client (FIG. 2 and column 3, lines 38-46).

Regarding **claim(s) 10 and 24**, Stork discloses an apparatus wherein said notification message is sent to a short message service device (FIG. 2 and column 3, lines 38-46).

Regarding **claim(s) 11 and 25**, Stork discloses an apparatus wherein said notification message is sent to an e-mail client (FIG. 2 and column 3, lines 38-46).

Regarding **claim(s) 12 and 26**, Stork discloses an apparatus wherein said message distributor comprises an e-mail server for providing said protected message file as an e-mail attachment (FIG. 2 and column 3, lines 38-46).

Regarding **claim(s) 13 and 27**, Stork discloses an apparatus wherein said message distributor comprises a streaming media server, wherein said notification message provides a stream identification, and wherein said streaming media server streams said protected message file in response to being contacted by a media player (FIG. 2 and column 3, lines 38-46).

Regarding **claim(s) 14**, Stork discloses an apparatus further comprising an internetwork for carrying said notification message and said protected message file when delivered to said called party (FIG. 2 and column 3, lines 38-46).

Regarding **claim(s) 15**, Stork discloses all the limitations of **claim(s) 15** as stated in **claim(s) 1**'s rejection and furthermore Stork discloses placing a call from said calling party to a called party (FIG. 1 and column 2, lines 16-21);

determining that said called party is not available for said call (FIG. 1 and column 2, lines 22-34);

interconnecting said call with a message service (FIG. 1 and column 2, lines 22-34).


### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
**GERALD GAUTHIER**  
**PATENT EXAMINER**

Gerald Gauthier  
Examiner  
Art Unit 2645

g.g.  
August 31, 2005